

Subpart A—General

SOURCE: CGD 85-010, 52 FR 7761, Mar. 12, 1987, unless otherwise noted.

§ 158.100 Purpose.

This part establishes the following:

- (a) Criteria for determining the adequacy of reception facilities.
- (b) Procedures for certifying that reception facilities are adequate for receiving—
 - (1) Residues and mixtures containing oil from oceangoing tankers and any other oceangoing ships of 400 gross tons or more;
 - (2) NLS residue from oceangoing ships; or
 - (3) Garbage from ships.
- (c) Standards for ports and terminals to reduce NLS residue.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.110 Applicability.

- (a) Subparts B, C, and E apply to each port and each terminal located in the United States or subject to the jurisdiction of the United States that is—
 - (1) Used by oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying residues and mixtures containing oil, or by oceangoing ships to transfer NLSs, except those ports and terminals that are used only by—
 - (i) Tank barges that are not configured and are not equipped to ballast or wash cargo tanks while proceeding enroute;
 - (ii) Ships carrying NLS operating under waivers under 46 CFR 153.491(b); or
 - (2) A ship repair yard that services oceangoing ships carrying oil or NLS residue.
- (b) Subpart D applies to each port and terminal located in the United States or subject to the jurisdiction of the United States.

[CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.115 Penalties for violation.

- (a) A person who violates MARPOL 73/78, the Act, or the regulations of this part is liable for a civil penalty not to

exceed \$25,000 for each violation, as provided by 33 U.S.C. 1908(b)(1). Each day of a continuing violation constitutes a separate violation.

- (b) A person who makes a false, fictitious statement or fraudulent representation in any matter in which a statement or representation is required to be made to the Coast Guard under MARPOL 73/78, the Act, or the regulations of this part, is liable for a civil penalty not to exceed \$5,000 for each statement or representation, as provided by 33 U.S.C. 1908(b)(2).

- (c) A person who knowingly violates MARPOL 73/78, the Act, or the regulations of this part is liable for a fine for each violation, of not more than \$50,000 dollars, or imprisonment for not more than 5 years, or both, as provided by 33 U.S.C. 1908(a).

[CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.120 Definitions and acronyms.

As used in this part:

Bunker oil means oil loaded into bunker tanks for use as fuel.

Captain of the Port (COTP) means the Coast Guard officer commanding a Captain of the Port Zone described in Part 3 of this chapter.

Certificate of Adequacy means a document issued by the Coast Guard or other authorized agency that certifies a port or terminal meets the requirements of this part with respect to reception facilities required under the Act and MARPOL 73/78, and has Form A, Form B, or Form C attached.

Clean ballast has the same meaning as in § 157.03(e) of this chapter.

Commandant means Commandant, U.S. Coast Guard.

Commercial fishing facility means docks, piers, processing houses, or other facilities which receive commercial fishery products from ships.

Daily vessel average means the total number of oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying residues and mixtures containing oil, serviced over a typical continuous 12 month period, divided by 365.

Form A means the application for a reception facility Certificate of Adequacy for oil, Coast Guard form USCG-CG-5401A (9-85).